

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: COOK MEDICAL, INC, IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-md-2570-RLY-TAB
MDL No. 2570

This Document Relates to Plaintiff(s)

Plaintiff Demands A Trial By Jury

Jerry L. Lewis, Jr.

Civil Case # 1:22-cv-100

SHORT FORM COMPLAINT

COMES NOW the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2570 by reference (Document 213). Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

Jerry L. Lewis, Jr.

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

None

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

None

4. Plaintiff's/Deceased Party's state of residence at the time of implant:

TX

5. Plaintiff's/Deceased Party's state of residence at the time of injury:

TX

6. Plaintiff's/Deceased Party's current state of residence:

TX

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Texas

8. Defendants (Check Defendants against whom Complaint is made):

- Cook Incorporated
- Cook Medical LLC
- William Cook Europe ApS

9. Basis of Jurisdiction:

- Diversity of Citizenship

- Other: _____

a. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Paragraphs 6 through 28, inclusive

b. Other allegations of jurisdiction and venue:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim
(Check applicable Inferior Vena Cava Filters):

- Günther Tulip® Vena Cava Filter
 - Cook Celect® Vena Cava Filter
 - Gunther Tulip Mreye
 - Cook Celect Platinum
 - Other:
-

11. Date of Implantation as to each product:

02/10/2011

12. Hospital(s) where Plaintiff was implanted (including City and State):

Ben Taub Hospital in Houston, Texas

13. Implanting Physician(s):

Dr. Hagopian

14. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Failure to Warn
- Count II: Strict Products Liability – Design Defect

- Count III: Negligence
- Count IV: Negligence Per Se
- Count V: Breach of Express Warranty
- Count VI: Breach of Implied Warranty
- Count VII: Violations of Applicable TX (insert State) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count VIII: Loss of Consortium
- Count IX: Wrongful Death
- Count X: Survival
- Count XI: Punitive Damages
- Other: All other counts and claims for Relief set forth in the Master Complaint for an amount to be determined by the trier of fact.
- Other: _____ (please state the facts supporting this Count in the space, immediately below)
Defendants Expressly and Impliedly Warranted that the Cook IVC Filter was a permanent lifetime implant and downplayed the risks associated with migration, perforation, tilt, fracture, and other risk relied upon by the plaintiff to his detriment.

15. Attorney for Plaintiff(s):

Jennifer Rethemeier

16. Address and bar information for Attorney for Plaintiff(s): Dalimonte Rueb Stoller, LLP, 2425 East Camelback Road, Suite 500, Phoenix, AZ, 85016, AZ Bar # 031398.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,

/s/Jennifer Rethemeier

Jennifer Rethemeier

(Admitted *Pro Hac Vice*, AZ Bar No. 031398)

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Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2022 a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

/s/Jennifer Rethemeier